

# United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/632,460	07/31/2003	Donald O. Larson	LARS-013 3799		
7590 12/28/2005			EXAMINER		
Michael S. Neustel			NGUYEN, CAMTU TRAN		
Suite No. 4 2534 South Un	iversity Drive	ART UNIT	PAPER NUMBER		
Fargo, ND 58	-	3743			
			DATE MAILED: 12/28/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. If NO event, however, may a reply to limited from the mailing date of this communication. If NO period for reply is specifie active, the mailing date of this communication. If NO period for reply is specifie active, the mailing date of this communication. If NO period for reply is specifie active, the mailing date of this communication. If NO period for reply is specifie active, the mailing date of this communication, and the specified period for reply with the set or estended period for reply with by stankley period vall application, event 8 mailing date of this communication, event 8 mailing event 8 mailing date of this communication, event 8 mailing date of this communication, event 8 mailing event 8 mailing event 9 mailing date of this communication, event 8 mailing event 9			Application No		Applicant(s)			
Camtu T. Nguyen 3743  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Elementor of the many be evaluated under the provision of 30 FR 11-360, in no event, however, may a reply be simily filled after 18 (b) (b) (core in processes) and in the provision and incommunication of 30 FR 11-360, in no event, however, may a reply be simily filled and the 18 (b) (b) (core in processes) and in the maintenance in the provision of the processes of this communication. Failuse for processes (b) (5) to \$0.5, 133). Any reply received by the Office later has been maintenance in statutory princed will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failuse for processes (c) to \$1.5, 133). Any reply received by the Office later has three maintenance in the mailing date of this communication, even if timely filed, may reduce any seamed patherium adjustment. See 37 CFR 1.74(b).  Status  1) Responsive to communication(s) filed on 29 September 2005.  2a) This action is FINAL.  2b) This action is finAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-29 is/are rejected.  7) Claim(s) is/are allowed.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  11 Certified copies of the priority documents have been received.  12 Certifie	Office Action Summary		10/632,460		LARSON ET AL.			
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Attachment(s)	* See the attached detailed Office action for a list of the certified copies not received.							
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1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)								
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:								

### **DETAILED ACTION**

### Response to Amendment

This Office Action is in response to applicant's amendment filed on September 29, 2005.

Claim 1 has been amended. Applicant is first of all respectfully reminded the Examiner is charged with interpreting the claims in pending application as broadly reasonable as possible in within reasonable light of the disclosure. The claims, as amended, have been carefully considered and are rejected in the following manner.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said upper end" in line 5. There is insufficient antecedent basis for this limitation in the claim.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10, 11-15, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bible (U.S. Patent No. 4,741,051). Bible discloses in Figures 1 and 2 a protective

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mitt device comprising opposing wall panels (A, B) secured about the edge portions by stitching (10) and leaving an open top (C), a flap (E) is carried on one panel (A) which then passes over the opposite wall panel (B), forming two slots extending into the device as shown in Figures 1 and 2. These two figures illustrating a plurality of openings (13, 14, 16) extending into the wall panels (A, B) for selectively receiving a tie means (D). Figures 1 and 2 further illustrating a tab (F) is carried on wall panel (B) and the tab (F) further comprising a securing slot extending into the tab (F) and the wall panel (B) wherein the securing slot including a cutout at the inner end of the securing slot.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bible (U.S. Patent No. 4,741,051). Bible discloses in Figures 1 and 2 a protective mitt device comprising elements as recited in these claims but does not teach the device is formed of a non-porous material. Applicant discloses in the specification on page 9 lines 23-26 supporting the preferred material for the device is a non-porous but not necessarily require the device to be the material, as recited. Furthermore, applicant discloses the device many be comprised of various materials as such but limited to metal, plastic, composite and the like. Therefore, it would have

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been obvious to one of ordinary skill in the art to consider other material found suitable for the application such as polyester fiber as such would provide durability.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-499. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen December 22, 2005 ur (arvista) of the nt Examines